



February 22, 2008

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HAROLD BAER  
U.S. DISTRICT JUDGE  
S.D.N.Y.

**BY FAX**

The Honorable Harold Baer, Jr.  
District Court Judge  
Daniel Moynihan United States Courthouse  
500 Pearl Street, Room 2230  
New York, NY 10007-1312

Re: U.S. Diagnostics, Inc. v. Home Aide Diagnostics, 08 CV 003  
Dear Judge Baer:

We represent the plaintiff in the above-A pretrial conference had been scheduled for March 6, 2008 at 3:20 p.m. Yesterday, I received notification that the conference was re-scheduled for March 5, 2008 at 12:00 noon. Unfortunately, I have a conference scheduled in the Supreme Court of the State of New York, Nassau County on that date, which I do not expect to conclude early enough to allow me to return to New York with sufficient time to make the pretrial conference in this case. I write to request an adjournment of the conference to a later date. I have spoken with my adversary, who has no objection to this application.

In order to prevent any further scheduling conflicts, I would suggest that both attorneys call your chambers and arrange a new date with your law clerk or secretary. We can do so early next week. Please let us know if that would be acceptable.

Just for your information, at present, issue has not yet been joined, but the parties are entering into a stipulation, setting a date for the answer to be served and filed. A copy of the current docketing statement is attached hereto as required by Rule 1(F) of your Individual Practices.

Sincerely,

*Sanford Hausler*  
Sanford Hausler

cc: Mitchell A. Stein (by fax)

*I only have  
same 2 conference days each  
month + there are on  
Thursday lets direct you  
on 2/20 at 3 PM*

630 Third Avenue 19th Floor New York, NY 10017-6782 212/953-6633 (212/949-8943 Telefax)

A Partnership including Limited Liability Partnerships

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*Harold Baer, Jr.*  
Harold Baer, Jr., U.S.D.J.  
Date: Jerusalem, Israel 2/25/08  
212/561-5527

Endorsement:

Since I only have 2 conference days each month and they are on Thursday let's direct you appear on 3/20 at 3PM.